App. F. IX-4

1938.

File No. 175-38

Serial Nos. 4 - 8

Previous References

Revenue 175-38-(1-3)
248-36-1-2

Letter References.

Revenue Dept 44-46,
" " 531-40.
192-40-1

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5

Part B for September 1939.

SUBJECT.

Tirupati Review regarding the disposal of Kodi Thirumala Devaru temple lands Devalapur Village Nagamangala Taluk.

No 325 of 17-8-39.

The Tirupati Commissioner

WD 0418—GPB—22,500—29-8-36

Communicates the orders issued on the above.

Muz Review no 15 of 38-39

G. R. S. APP. F. III—1]

GENERAL AND REVENUE SECRETARIAT.

(Muz)

NOTES.

File No. 175-38

FILE HEADING

Muzrai Review regarding the disposal of Kadi Thirumala Devasthanam temple lands Devalapura Village. Nagamangala Tk.

FROM Kempasetty and Mallegowda of Devalapura Village Nagamangala Tk

No. Dated 15/4/39 Received 15/4/39

Diary No. 372 Enclos. 2 Spare copies — Serial No.

BRIEF ABSTRACT OF LETTER

State that endorsement no 1394 of 28/2/39 issued to D. K. Narasimha Sesha Iyengar Devalapura Village - Nagamangala Tk is irregular and illegal and prays that they may be heard before orders are passed on their case.

NOTES AND ORDERS.

Note 5 — Petition of 15/4/39 from Kempasetty praying for a stay of orders communicated to D. K. Narasimha Sesha Iyengar of Devalapura Village above the disposal of temple lands referred to therein.

Orders on the P. U. D:—

(1) "Reference".

(2) Muz 248-36-2, Muz 175-38-3 & Muz Misc 307-38 are put up for perusal.

(3) D. K. Narasimha Sesha Iyengar, the applicant of

Notes—First Sheet

WD 0283—GPB—3,750—25 1-38

4) Review re: Devalapuram temple lands - Nagamangalam.
13728-3

Misc File No. 175 of 1938.

General and Revenue Secretariat

DEWAN'S OFFICE
22 APR. 1939
No. 7747

Sri Thummala Devam temple in Devalapuram village, Nagamangala Tk was in appeal before Govt against the M-rs order of 3.11.38 above the temple lands sold in auction as per G.O. no 1508-11/misc 248-36-2 of 17-5-35 - Kind ref^ce is invited to the notes & orders in paras 2-6 in misc 175-38 putup for ref^ce. The M.C. was requested to see the lands to be auctioned subject to the tenants paying s.f. in addition to the sale proceeds viz the present petn^rs. It is practically accepted this order the petn^rs are now in appeal before Govt. & it is proper that they may be heard & a speaking order given in the first instance.

For orders

4) A report may be called for from the M^r. and in the meantime the M^r may be asked to hold this sale in abeyance

Sd/-
D.S.G.

GENERAL SECRETARY
17 APR. 1939
6197

Sd/-
I think the petitioners should have been heard before an order, adverse to their interests, was passed. However, action as suggested in para 4 above may be taken now. The present Revenue Member has passed orders in this case as Mysore Commissioner & it is the restoration of this order, which was upset by the first, that has been prayed for in the present petition. The case may be disposed of by the 1st member.

2nd member) 20-4 17/4

Dewan

1st member) 22-4-39 26/4/39

BOARD MEMBER
18 APR 1939
No. 10009

OFFICE
APR 24 1939
No. 8250

Mun Review 15 of 38-39 (3)
Re: Devalapura. This month
19. 5. 39.

Serial No.

6

9) Draft to
No 1864 of 26/4/39 to the Mun Commissioner Calling for records connected with the case and directing that order no G 27 of 12/12/28 may be held in abeyance pending orders on the review petn.

10) Dly Endt to the Advocate for the petnr. petnr.
G.S. 26/4 26-4-39.

11) Draft to
7 No 1877 of 26/4/39 to Messrs Kesapa Setty and Mallegowda of Devalapura Village Nagamangala Taluk c/o D. Ramakrishna Advocate. Nagamangala acknowledging that a stay order has been issued in the matter.

(Ans sheet with H.Ad. Clerk) Ans a 27/4

Letter no HC 35/38-39 of 9. 6. 39 from the Munsiff Commissioner submitting records relating to the disposal of lands belonging to Sri Kodi Thimmala Devaru temple at Devalapura. Nagamangala Tk.

x 4 12) In pursuance of Govt order no 1508-11/Mun 248-36-2 of 17. 5. 37, the lands of the temple have been sold in a regular manner — S. Nos 58 + 68 have been purchased by the 1st respondent + S. No. 69 purchased by the second respondent. + The Tahsildar [illegible]

x

NOTE—Contn. Sheet.

11) Mus Review 15 of 38-39 re: The proposal of Tummulaadevane temple Tandor Alvalapura - Village. Nagamangala

1602

Mus File No. 175 of 1938.

General and Revenue Secretariat

D.C. Mysore on 8/1/38 & the lands asked to be put in possession of the parties & assessment levied for 38-39.

13) The Archaka of the temple has no claim on temple lands, & is entitled only to remuneration for the services rendered by him. In place of the dharma lands he was enjoying before, he will now get monthly remuneration out of the interest accruing on Rs 8400/- the sale proceeds. It is for orders if the case need be posted for hearing.

GS 13/6

14) The ministerial order was passed on equitable consideration viz that the Archaka who was in possession of the lands might use the lands himself. & by this arrangement, the temple also made no sacrifice as its interest was not affected in any manner. But the office was not aware that the sale proceeds had been put in possession. The D.C's letter of 14.5.1938 shows that the purchasers have already been put in possession & the respondents also allege that they have spent many an improvements. In view of these facts now brought to

xC

xK.

xK

xD

(present petitioner)

1602 Mun Review 15 of 38-39 re: The disposal of Thirumala Devaswom Inam lands – Devalapuram village. Nagaram amplo ik.

General and Revenue Secretariat | Mun File No. 175 of 1938. | [App. F. III—2

Serial No.

Notice. The order passed in December 1938 may first also be revised. Both the parties may be heard.

16.6.39

(Sd/-) (for member)

15) 14/6

16) 17/6/39

17) 19/6

18) The Case came up for hearing on Wednesday the 26th July 1939. The revision Petitioners with their Counsel & the Arbitrator D. T. Narasimha Sesha Iyengar with Counsel were present & heard. Orders reserved.

26.7.39.

The Advocate for the petrs (Mr Shamadas) promised to file a detailed statement showing the parcels of land alienated by the pale purchasers. The file may be put up to me when the statement has been received.

19) The statement filed today is seen.

1st Member

GENERAL SECRETARY 14 JUNE 1939 183

OFFICE OF THE FIRST MINISTER COUNCIL JUN 15 1939 9815

OFFICE OF THE FIRST MINISTER COUNCIL JUL 27 1939 892

OFFICE OF THE FIRST MINISTER COUNCIL JUL 28 1939 957

NOTE—Contn. Sheet.

WD 0541—GPB—30,000 -2-9-38

File No. of 193 .

General and Revenue Secretariat

Serial No.

20 It was purely as a matter of grace that Govt directed the ~~grant~~ sale of the lands to the archak for the price realised at the auction sale, with the addition of 5% to be paid as solatium to the purchasers. There was no mortgage at the time that the lands had been put in possession of the auction purchasers already and that the sale to the archak would involve the disturbance of rights acquired and exercised by third parties. From the petition ~~of~~ now filed before Govt and the reports of local officers, it is seen that the auction purchasers had taken of the lands, which they also claim to have improved, and that they have alienated portions of the land to ~~third parties~~ several persons. The genuineness of the alleged alienations may be open to question. It is none the less expedient to respect, as far as possible, the rights of third parties which have come into being as a result of these transactions.

21 At the same time, Govt note that the archak himself was at first agreeable to the disposal of the lands (second of Inam tenure) by auction. It was only later that he changed his mind and applied for the ~~lands~~ grant of the lands to himself at a concession price. From the recs it would appear that he was cultivating only survey number 58 and of the other numbers, ~~have since acquired~~ which had been lying fallow and unwanted, have since acquired

NOTE—Contn. Sheet.

WD 02220—GPB—1,000—22 2 37

Mag File No. 175 of 1938.

General and Revenue Secretariat

Serial No.

some value, it must be due to the efforts of the sale purchasers and their successors in title.

Having regard to all these circumstances, Govt consider that the ends of equity would be served by ~~granting the~~ allowing the vendor to retain S. No 58 only, on the terms ~~offered to him in~~ offered in letter No 927/Mag dated 10th Decr 1938 to the Mag Commr.

MM
9/8/39

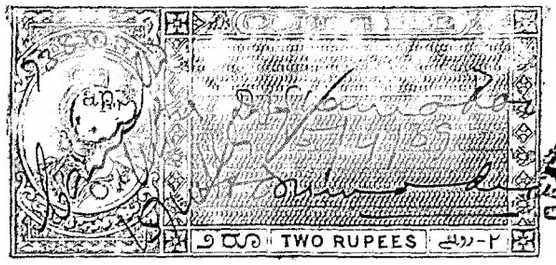
9/8/39

Sd/-

No. 325 of 17-8-39 to the Munsiff Commissioner Communicating the orders issued on the appeal.

Memo no 326 of 17-8-39 to Mr. D. Shama Rao Advocate for the Review Petitioner. forwarding copy of the decision on the review petition filed by his clients.

Memo no 327 of 17-8-39 to Mr. Belur Srinivasa Iyengar Advocate for the Counter petitioner forwarding copy of the decision on the review petition referred to therein.



Muz 175-38-41

BEFORE THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE,

BANGALORE.

Muzrai Revision ~~Appeal~~ No. 15 Of 38 - 39

APPELLANT:

D.K. Narasimha Sesha Iyengar,
Devalapura Village Nagamangala
Taluk, Mysore District.

-: Vs :-

RESPONDENTS:-

1. Kempa Setty
2. Malle Gowda, residing at
Devalapura, Nagamangala Taluk,
Mysore District.

The respondents abovenamed beg to state as follows:-

1. That, on the report of the Muzrai Commissioner in Mysore, that the Inam tenure of S. Nos. 58, 68, & 69 of Devalapura Village, Nagamangala Taluk, endowed to the temple of Sri Kodi Thirumala Devaru, in that village should be cancelled and that the lands should be sold by public auction, the Government in their order No. 1509 - 11/ Muz 249 - 38 - 2 dated 14th/17th May 1937 were pleased to sanction the proposals of the Muzrai Commissioner.

Accordingly the lands were put up for sale. One Kaveri Iyengar the Karnam Archak of the temple offered to purchase the said lands at the rate of Rs. 8/- per Acre. This offer was rejected. The sale was held on

14/9/37 and the respondents purchased the same for Rs 840/-. The appellant who is the son of the archak appealed to the Deputy Commissioner Mysore District. His appeal was rejected. Then he preferred ~~in~~ uzrai appeal no 30/37/38 to the uzrai Commissioner who was also pleased to confirm the order of the Deputy Commissioner. The appellant now appears to have filed an appeal to the Government against the order of the Muzrai Commissioner.

2. To the great surprise of the respondents ~~the respondents~~ They were served with ~~the~~ a notice from the Taluk Office by the Revenue Inspector stating that the Government was pleased to set aside the sale on payment by the appellant of the sale amount together with compensaction at the rate of 5% thereon. The respondents respectfully submit that the appellant is not entitled to any concession as observed by the learned Muzrai Commissioner in his order. The appellant tried to get the lands for a small sum and when he failed in his attempts and when the respondents purchased them for heavy amounts the appellant offered to pay the price realised at the sale only in instalments. The sale has been regularly held and the lands were duly put in possession of the respondents. The Khata was made out in their names and they have been paying the assessment due thereon. The lands were lying fallow and the respondents have improved the same at considerable expense. The respondents have also since sold portions of these survey numbers to others under duly registered sale deeds. The 1st respondent has executed a registered mortgage deed dated 6/4/1938 for Rs 100/-. The appellant is fully aware of all the alienations made by the respondents and has, as matter of fact, identified the 1st respondent before the Sub-Registrar at the time of the registration of the said mortgage bond.

3. That the respondents submit that the conduct of the appellant is not at all bonafide and that he has ~~filed~~ filed the present appeal only with the object of putting the respondents and their alienees to considerable trouble and expense.

4. The respondents further submit that they are entitled to be heard before final orders are passed on the appeal petition and that the present order, certified copy of which is herein produced without hearing the respondents is highly irregular and illegal. Dtd

5. Therefore, the respondents respectfully pray that the Government may be pleased to issue the and then pass an order confirming the order of the Muzrai Commissioner.

Bangalore
15/4/1939

D Ramaiah
Advocate

TWO RUPEES

D. No 1373
38-39
Muz 175-38-9

BEFORE THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE

AT BANGALORE.

Muzrai Appeal No Of 38 - 39

APPELLANT:-

D.K. Narasimha Sesha Iyengar,
Devalapur Village, Nagamangala
Taluk.

-: Vs :-

RESPONDENTS:-

1. Kempa Setty
2. Malle Gowda, residing at
Devalapur, Nagamangala Taluk.

The respondents abovenamed beg to state as follows:-

1. That the appellant preferred an appeal to the Government against the order of the Muzrai Commissioner in Muzrai appeal No 30 of 37 - 38 dismissing his appeal, re, the sale of S. Nos. 58, 68 and 69 of Devalapur Village.

2. That without notice to the respondents and without hearing them the Government have been pleased to give an endorsement to the appellant stating that instructions have been issued to the Muzrai Commissioner to grant the lands to the appellant if he is prepared to pay the price realised at the sale together with an addition of 5% to be paid as solatium to the sale purchasers. A notice to the same effect was served an the respondents by the Taluk Office. The respondents obtained a copy of the order of Government a few days ago and have now presented a petition to the Government praying for a reconsideration

of the order after hearing both parties.

3. The learned Muzrai Commissioner has found in his order that insnite of several opportunities given to the appellant to purchase the lands at the sale he failed to do so, that the sale was regularly conducted and that the appellant was not entitled to any consideration and dismissed his appeal.

4. The sale was held on 14/9/37 and the respondents purchased the lands for Rs 840/- Sale was confirmed and the lands were put in possession of the respondents. Khata was made out in their names. They have improved the lands at considerable expense. They have also alienated portions to others. The appellant himself has identified the Ist respondent before the Sub-registrar.

5. The respondents submit that they will be put to considerable hardship if the sale is set aside at this distance of time and that they are entitled to a hearing before an order adverse to them is passed.

6. The respondents further submit that it is expedient for the ends of justice that they should not be deprived of possession of the lands until disposal of their petition for a reconsideration of the order after hearing both parties.

7. Therefore, the respondents respectfully pray that the Government may be pleased to direct stay of execution of the order until disposal of the petition.

Bangalore
15/4/1939

Dhanankoti
Adv for respts
15/4/39

~~Copy of~~ Endorsement ~~letter~~ No.1394/Muz 27-38-29 dated 28th February 1939 from the General Secretary to Government ~~regarding an endorsement~~ to Mr. D.K. Narasimha Sesha Iyengar, Devalpur Village, Nagamangala Taluk.

- - - - -

With reference to his petition dated 25th February 1939 praying for a copy of order passed on his appeal about the sale of certain lands belonging to Sri Kodi Thirumala Devaru Temple, Devalapur Village, Nagamangala Taluk, Mr. D.K. Narasimha Sesha Iyengar is informed that instructions have been issued to the Muzarai Commissioner to grant him the lands if he is prepared to pay the price realised at the sale together with an addition of 5 per cent to be paid as solatium to the sale purchas~~ing~~er.

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For General Secretary to Govt.

55

COURT FEE

TWO RUPEES

Before the Government of H.H. the Maharaja of Mysore at Bangalore ಕೋರ್ಟಿಗೆ.

ಸನ 1938 - 1939 ನೇ ಇಸವಿ Mysore appeal ಮೊಕದ್ದಮೆ ನಂಬರು

ವಾದಿ		ಪ್ರತಿವಾದಿ
Appellant D.K. Narasimha Seema Shyngar	VS.	Respondents 1 Kempa Setty 2 Mallegowda

ಮ ರಾ॥ We the respondents abovenamed ರವರಿಗೆ

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮಾ.

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನಿಮ್ಮ ಪರವಾಗಿ ಆಖೈರುವರೆಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ ನಿಮ್ಮ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರೀಕ್ರಮ ವಗೈರೆಗಳನ್ನೂ ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನಿಮಗೆ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಮೊಬಲಗು ಮತ್ತು ಸ್ಟಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಮತ್ತು ಈ ಸಂಬಂಧವಾದ ಇತರ ಕಾರ್ಯಗಳನ್ನು ಮಾಡುವುದಕ್ಕೂ ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿದೇ

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನೀವು ಮಾಡಬೇಕಾದ ಕೆಲಸಗಳನ್ನು ಸಕಾಲದಲ್ಲಿ ಮಾಡದೆ ಹೋದಲ್ಲಿಯಾಗಲಿ ತಮಗೆ ಕೊಡಬೇಕಾದ ಫೀಜನ್ನು ಬಾಕಿ ಉಳಿಸಿಕೊಂಡಲ್ಲಿಯಾಗಲಿ ತಾವು ಮೊಕದ್ದಮೆಯಿಂದ ರಿಟೈರಾಗಲು ಪೂರ್ಣಾಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿರುತ್ತೇವೆ.

ಈ ಆಧಾರದ ಮೇಲೆ ತಾವಾಗಲೀ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲೀ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನು ನೀವು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧ ಗಿಧೇ .

ತಾ॥ 193

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಅಂಗೀಕರಿಸಿದೇನೆ.

D.K. Narasimha
Seema Shyngar
15/4/39

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ ಮತ್ತು ನನಗೆ ತಿಳಿದವರಾಗಿರುತ್ತಾರೆ.

ಶ್ರೀಮನ್ನಿಂಗಾಪರಮೇಶ್ವರ್ ಪ್ರೆಸ್ ಮೈಸೂರು

Appendix F G—1]

15

SUBJECT.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue.....26/12/38.....

Signed by Mr. S. K. V. Iyer.

List of enclosures.....

Copied by .....

Examined by.....

Section Mun

File No. 175-38

Serial No. 6

No. 1864 /Ene 2

To

The M. C

Sir,

In forwarding herewith the application laid by Kampa Setty & others for review of this office order No 927/Mun 175-38-2 dt. 12.12.38 re: the disposal of certain lands belonging to Sri Kodi Vairavanath Devasthanam temple, Devalapura, Nilgirimangal Taluk, I am directed

WD 0278—GPB—30,000—4-3-38

to recommend that all the
Connected records of your
office & of the Subordinate
offices may be placed
together with a detailed
report on the present
state of the Station.

I am drawing attention to
the petition, the execution
of this office under the angle
thoroughly disorganised

Yours
[illegible]
[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 26th April 1939.

No. 1864/ Muz 175-38-6 Enc 2---

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

In forwarding herewith the application filed by Kempa Setty and another for review of this office order No.927/Muz.175-38-2 dated 12th December 1938 re: the disposal of certain lands belonging to Sri Kodi Thirumala Devaru Temple, Devalapura, Nagamangala Taluk, I am directed to request that the connected records of your office and of the subordinate offices may be sent together with a detailed report on the points urged in the petition.

Pending orders on the petition, the execution of this office order may be kindly stayed.

I have the honour to be,
Sir,
Your most obedient servant,

26/4/39

General Secretary to Government.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Misc

File No. 175-38

Serial No. 7

No. 1877/

To

Messrs Kempa Setty & Malegowda
of Devalapura Village
Nagamangala TK
C/o D. Shamarao Esq
B.A. LL.B
Advocate. Balepet
Bangalore City

In the ref.ce to their pet.n dt 15/4/39 praying for a reconsideration & stay of orders issued about the disposal of the lands of Kodi Thimmaiah Devane Gentle lands in Devalapura Village, Nagamangala TK., Messrs Kempasetty and Malegowda are informed that a stay order has been issued pending orders on their review pet.n

B-O/

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 193 .

Date of issue 26/4/1939

Signed by Mr. S. K. V. Iyer

List of enclosures.....

Copied by .....

Examined by.....

WD 0521—GPB—30,000—12-3-37

26/4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, ~~XXXXXXXXX~~ 26th April 1939.

No. 1877/mug. 175-38-7

~~Circular~~
~~Official Memorandum.~~

ENDORSEMENT.

To

Messrs. Kempa Setty and Mallegowda
of Devalapur Village, Nagamangala Taluk
C/O, D. Shama Rao, Esq., B.A., LL.B.,
Advocate, Balepet, Bangalore City.

With reference to their petitions dated 15th April 1939 praying for a reconsideration and stay of orders issued about the disposal of the lands of Kodi Thirumala Devaru Temple in Devalapur Village, Nagamangala Taluk, Messrs. Kempasetty and Mallegowda are informed that a stay order has been issued pending orders on their review petition.

By Order,

For General Secretary to Government.

Aga/2.

No. Misc 35/38-9
~~App 30/37-38~~

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 9th June 1939

Muz 175-38

FROM S. ABDUL WAJID, Esq., B.A.,
~~MADHAVA RAO, Esq., B.A.~~
Muzrai Commissioner in Mysore,
Bangalore.

To J. Appaji Gowda, Esq., B.A. (Hon.),
Secretary to the Government of His Highness the Maharaja of Mysore,
General *Department*

GENERAL SECRETARIAT
12 JUNE 1939

SIR,

With reference to your letter No.1864/Muz.175-38-6 dated 26-4-1939 calling for the records relating to the disposal of certain lands belonging to Sri Yodi Tirumaladevaru temple at Devalapur, Nagamangala Taluk, I have the honor to forward herewith the file of vernacular records received with Mysore District Deputy Commissioner's letter No.H.871/38 dated 26th May 39 together with this Office's files Nos.R.Dis.172/36-37 and App.30/37-38

I have the honor to be,
Sir,
Your most obedient servant,

M. N. Ramachar
For Muzrai Commissioner.

Rev. 21] 5 Copies

1602

Before the Government of His Highness the Maharaja of Mysore.

Misc. Revision ~~Appeal~~ No. 15 of 1938-39

~~Appellant.~~ Revision Petitioner — Vs.

Hempa Setty
& Mallegowda. Devalapura
Village. Nagamangala
TK

Subject.

Counter petitioner.. ~~Respondent~~

D. K. Narasimha
Setha Iyengar.
Archak - Sri Kodi
Thimmala Devaru
temple. Devalapura
village -

Revision of one order no 927/Misc 175-38-39
12th Dec 1938 directing the sale to the
counterpetitioner of Thimmala Devaru temple
lands - Devalapura Village. Nagamangala
TK for the price realised at the sale
subject to an addition of 3 per cent
to be paid as all charges to the sale
purchasers viz The revision petitioner.
The facts of the case are
as follows:

TYPING SECTION
11 AUG. 1939
GEN. & REV. SECTT.

WD 0533—GPB—750—21-7-27

Orders of the Govt to be issued
G.S. 1/8/39

~~as the sale will so attum to the said purchasers~~

P. No. 54.6 8.6 9 Sayrabad - Vikarabad

~~The lands reffered to above~~ belong to Sri Ko Thirumala Devaru Temple, a ~~minor~~ Muzrai Institution. As these lands which were the inamti of the temple were lyin fallow and attempts to dispose of them on lease -- proved ~~xxxxxx~~ unsuccessful, the Muzrai Commissioner recommended on 1st April 1937 that the inam tenure of these lands might be cancelled and the lands ~~might~~ sold as sircar and the sale realisations invested for the benefit of the temple. This was approved by Government in their order dated 17th May 1937. A sale Isthihar was issued accordingly fixing the sale

G)

for 14th September 1937. In the meantime D.K. Narasimha Sesha Iyengar prayed that instead of subjecting the lands to sale, they might be granted to him for upset price at Rs. 5/- per acre, ~~offering to~~ subject to his performing workship in addition. ~~The Deputy Commissioner called for a report on this application~~. The sale was held by the Amildar on 14th September 1937 at which the following highest bids were offered.

			Sale purchaser.
S.No. 58	Rs.	222-0-0 (Rs 10/- per acre)	Kempa Setty.
S.No. 68	"	137-8-0	-do-
S.No. 69	"	480-0-0 (Rs 35/- per acre)	Malle Gowda.

Even after the sale and prior to confirmation, Narasimha Sesha Iyengar petitioned to the Amildar and the Deputy Commissioner, praying for cancellation of the sale and confirmation of the lands in his favour subject to his paying the money in five instalments. The Amildar submitted the records and reported that as it might be difficult to recover the amount if payment by instalments is allowed., the petitioner's prayer may be granted if he pays the amount in a lump or at least furnishes sufficient security for timely payment of instalments. The Deputy Commissioner, however, confirmed the sale and directed that the parties may be put in possession and assessment levied from them from 1938-39 (vide order dated 8th January 1938). Narasimha Sesha Iyengar appealed to the Muzrai Commissioner against

this order but the latter rejected the appeal on the ground that the lands were sold with the consent of the appellant's father, that the sale had been properly held and the lands were in the possession of the respondents. He observed further that the appellant had no proprietory rights in the land and that the appellant tried to get the lands for a small price and having failed in his attempts had offered to pay the price realised in the sale but in instalments. Narasimha Sesha Iyengar appealed to Government against this order, ~~As the lands had been~~ in ~~the petitioner's possession for a long time and~~ the ~~institution's interest would not also suffer~~, it was ordered on 12th December 1938 that the lands may be sold to the Archak for the price realised at the sale subject to payment by him of a solatium of 5% for payment to the sale purchaser.

The sale purchasers have now asked for a reconsideration of this order and urge that the archak is not entitled to any concession. They have urged further that

(1) the sale has been regularly held.
(2) that the lands have been duly delivered to them and are in their possession and they have been paying kandayam,
(3) they have improved the lands at considerable cost.
(4) They have also sold portion of these Survey numbers to others under duly registered sale deeds and the archak is also aware of all the alienations.

(Secretary's Note.) dated 17th April 1939.

I think the petitioners should have been heard

The case came on for hearing on 26.7.39
when one of the review petitioners Hampa Setty with his
two sons Seenivasa Iyengar Counsel for the
Counterpetitioners who were present, were heard.
No 325 / Review / 175-38-8 / Petitions
orders
17-8-39.

It was purely as a matter of
grace that Govt directed the sale of the lands
to the archak for the price realised at the
auction sale with the addition of 5% to be paid
as solatium to the purchasers. There was
no indication at the time these lands
had been put in possession of the auction
purchasers already and that the sale
to the archak would involve the disturbance
of rights acquired and exercised by
third parties. From the petn now filed
before Govt and the reports of local
officers it seems that the auction
purchasers had taken possession of
the lands, which they claim to
have improved and that they have
alienated portions of the land
to third parties. The question
of the illegal alienations may be then
to question. Dhar & ors is relevant
to consider, in fact as possible the nature

third parties which have come into being as a result of these transactions.

At the same time, it must be that the Archak himself was at first opposable to the disposal of the lands (devoid of income tenure) by auction. It was not later that he changed his mind and applied for the grant of the lands to himself at a concession price. From the records it would appear that he was cultivating only S. No. 5-8 and if the other numbers which had been lying fallow and unoccupied, have since acquired some value, it must be due to the efforts of the sale purchasers and their free coins in title.

Having regard to all these circumstances I am consider that the ends of equity [illegible] by allowing the Archak [illegible] S.No. 5 [illegible] rather than [illegible] in the [illegible] 27 [illegible] of 1[illegible] to the M.C.

[illegible]

Copy to the M.C. for necessary action returning records received vide letter no. H.C. 35/38-39 dt 9-6-39 on the subj

Memo 326/Misc
17-8-39

Foreign Sec

Copy to Mr. A. Shamakhan RA CAB. ADC cate for the Review Pet.

Memo no 327/Misc
17-8-39.

Foreign Sec.

Copy to Mr. Sehra Srinivasa Rajulu for information

Foreign Sec

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—
xxxxxx

Muzrai Review No.15 of 1938-39.

Review Petitioners	VS.	Counter petitioner
Kempa Setty and Vallegowda, Devalapur village, Nagamangala Taluk.		D.N.Narasimha Sesha Iyengar, Archak-Sri Kodi Thirumala Devaru temple, Devalapur village.

O R D E R.

Review of Government Order No.327/Muz.175-38-2 dated 12th December 1938 directing the sale to the counter petitioner of Thirumala Devaru temple lands-Devalapur village, Nagamangala Taluk-on the price [illegible] the sale subject to an addition of 5 per cent to be paid as Salami to the sale purchasers viz. The review petitioners.

The facts of the case are as follows:-

The Survey Numbers 58, 68 and 69 of Devalapur village belong to Sri Kodi Thirumala Devaru, a Muzrai Institution. As these lands which were the property of the temple were lying fallow and attempts to dispose of them on lease proved unsuccessful, the Muzrai Commissioner recommended on 1st April 1937 that the inam tenure of these lands might be converted into [illegible] sinam and the sale [illegible] for the benefit of the temple. This was approved by Government in their order dated 17th May 1937. A sale Isthihar was issued [illegible] fixing the sale for 14th September 1937. In the meantime D.N.Narasimha Sesha Iyengar prayed that instead of subjecting the lands to sale, they might be granted to him [illegible] subject to his performing worship in addition. The sale was held by the Amildar on 14th September 1937 at which the [illegible] highest bids were offered.

			Sale purchaser.
Survey No.58	Rs.222-0-0		Kempa Setty.
Survey No.68	" 137-8-0	(Rs.10/-per acre)	-do-
Survey No.69.	" 480-0-0	(Rs. /-per acre)	Vallegowda.

Even after the sale and prior to confirmation, D.N.Sesha Iyengar petitioned to the Amildar and the Deputy Commissioner,

Sd

praying for cancellation of the sale and confirmation of the lands in his favour subject to his paying the money in five instalments. The Amildar submitted the records and reported that as it might be difficult to recover the amount if payment by instalments is allowed, the petitioner's prayer may be granted if he pays the amount in a lump or at least furnishes sufficient security for timely payment of instalments. The Deputy Commissioner, however, confirmed the sale and directed that the parties may be put in possession and assessment levied from them from 1937-38 (vide order dated 8th January 1938). Narasimha Sagha Iyengar appealed to the Inam Commissioner against this order, but the latter rejected the appeal on the ground that the lands were sold with the consent of the appellant's father, that the sale had been properly held and the lands were in the possession of the respondents. He observed further that the appellant had no proprietary rights in the lands and that the appellant tried to get the lands for a small price and having failed in his attempts had offered to pay the price realised in the sale but in instalments. Narasimha Sagha Iyengar having appealed to Government against this order, it was ordered on 17th December 1938 that the lands may be sold to the Archak for the price realised at the sale subject to payment by him of a solatium of 5% for payment to the sale purchaser.

The sale purchasers have now asked for a reconsideration of this order.

The case came on for hearing on 26th July 1939 when one of the review petitioners viz. Lakshmipathy with his Counsel and Mr.Belur Srinivasa Iyengar, Counsel for the counter petitioner, who were present, were heard.

ORDER NO. 325/Inam 175-38-8

Dated, Bangalore, the 17th August 1939.

It was purely as a matter of grace that Government directed the sale of the lands to the Archak for the price realised at

at the auction sale, with the addition of 5% to be paid as solatium to the purchasers. There was no indication at the time that the lands had been put in possession of the auction purchasers already and that the sale to the archak would involve the disturbance of rights acquired and exercised by third parties. From the petition now filed before Government and the reports of local officers it is seen that the auction purchasers had taken possession of the lands, which they also claim to have improved and that they have alienated portions of the land to several persons. The genuineness of the alleged alienations may be open to question. It is none the less expedient to respect, as far as possible, the rights of third parties which have come into being as a result of these transactions.

At the same time, Government note that the archak himself was at first agreeable to the disposal of the lands (devoid of inam tenure) by auction. It was only later that he changed his mind and applied for the grant of the lands to himself at a concession price. From the records it would appear that he was cultivating only Survey No.48 and if the other numbers which had been lying fallow and unwanted, have acquired some value, it must be due to the efforts of the sale purchasers and their successors in title.

Having regard to all these circumstances Government consider that the ends of equity would be served by allowing the archak to retain Survey No.48 only on the terms approved in letter No.957/Muz. dated 12th June 1938 to the Muzrai Commissioner.

For General Secretary to Govt.

To
The Muzrai Commissioner in Mysore, returning records received with his letter No.H.C.35/38-39 dated 9th June 1939 on the subject.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE AT BANGALORE.

Muzrai Review Petition 15/ 38-39.

Petitioners:-

1. Kempa Setty.

2. Melegowda.

VS

Opponent:-

D.K.Narasimhaseshaiengar.

Memo filed by the petitioners as directed by the First Member on 26-7-39.

1. The petitioners herewith produce a list showing the alienations made by them subsequent to the confirmation of sale in their favour - with other particulars.

2. The list shows that the entire S.No. 58 is mortgaged with possession, that out of the S.No. 68 an extent of 9 acres and 28 guntas has been sold to two persons and that only an extent of 4 acres is in possession of first petitioner, Kempasetty who is the purchaser of this number and No. 58.

3. The list also shows that only about an acre in S.No. 69 is in possession of second - petitioner and the rest is all sold to others whose names are mentioned.

4. A copy of Mahazar dated 26-4-39 is also produced herewith. The petitioners have been in possession. The records subsequent to the filing of the petition and stay order may kindly be perused.

Bangalore,

27th July 39.

D Ramaiah
Advocate for petitioners

LIST SHOWING THE ALIENATIONS MADE BY THE PETITIONERS, KEMPASETTY AND MELEGOWDA SUBSEQUENT TO THE CONFIRMATION OF SALE IN THEIR FAVOUR.

S.No.	Name of the alienee.	Date of alienation.	Nature of alienation and consideration.	Other particulars.
58.	Yellappa Setty.	6-4-38.	Mortgage with possession for Rs. 100/-.	Mortgage deed is registered The opponent has identified the executant Kempasetty before the Sub Registrar.
68.	(1) Lakshamma.	18-1-39.	Sale deed for Rs. 100/-.	7 acres and 28 guntas have been sold under registered sale deed.
	(2) Venkatachalia Setty.	30-11-38.	Sale deed for Rs. 30/-.	2 acres have been sold under registered sale deed.
	N.B. 4 acres have been in possession of the first petitioner Kempasetty. S.Nos. 58 and 68 were purchased by him.			
69.	(1) Lakshmiah, (2) Thimmaraja Setty, (3) Venkategowda, (4) Sreekanta Setty, (5) Shankararamiah.	8-6-38.	Sale deed for Rs. 100/-.	2 acres and 20 guntas have been sold under registered sale deed. to Lakshmiah on 8.6.38
	Purchased by ~~from~~ Melegowda, second petitioner. The other particulars cannot be furnished today as those purchasers refused to hand over their sale deeds to the second petitioner. The fact of sales in their favour and their possession of separate portions are noted in the Mahazar - dated 26-4-39 prepared by the Revenue Inspector. The original Mahazar is available in the records. A copy of it is also produced herewith. About an acre of land is in possession of second petitioner and the rest is all sold away.			

D Nagarajaiah

ADVOCATE FOR PETITIONERS.

27/7/38

తీర్మానము

నాకవరుండలదగ్గిరున్నూ పేరవలాంబురదగ్గిరున్నూ
వ్యవసాయం చేస్తూ గ్రామసంబంధమైన పనులు చేసికొంటూ ఉన్నారు.

పేరవలాంబురదగ్రామ శ్రీ కోనేటి శిలువులు తండ్రి పాలాయ్య
పేర్ల గ్రామసర్వే నం. 58 63 + 69 మీద సుమారు 2 ఎకరాలు.
K. నరసింహ శ్రేష్ఠయ్య గ్రామగ్రామ పంచాయితీ పెద్దలు తమ
సమక్షంలో ఈ భూమి మీద వచ్చే ఆదాయం మీద మీ తండ్రి
గారు సంపాదించిన ఆస్తిపాస్తులు మీ తండ్రి గారి మరణానంతరం
మీ తండ్రి గారి వారసులైన మీకు మీ తల్లిగారికి సమానంగా
పంచి ఇవ్వవలసి వారసత్వపు ఆస్తిగా ఇవ్వవలసి ఉన్నదని మీ
తండ్రి గారు మీ తల్లి గారు మీ పెద్దమ్మ గారు మీ పెద్దనాన్న
గారు మీ చిన్నమ్మ గారు మీ చిన్నాన్న గారు మీ అక్కగారు
మీ తమ్ముడు మీ చెల్లెలు మీ అందరి సమక్షంలో మీ తండ్రి
గారు మీ తల్లి గారు మీ పెద్దమ్మ గారు మీ పెద్దనాన్న గారు
మీ చిన్నమ్మ గారు మీ చిన్నాన్న గారు మీ అక్కగారు మీ
తమ్ముడు మీ చెల్లెలు మీ అందరి సమక్షంలో మీ తండ్రి
గారు మీ తల్లి గారు మీ పెద్దమ్మ గారు మీ పెద్దనాన్న
గారు మీ చిన్నమ్మ గారు మీ చిన్నాన్న గారు మీ అక్కగారు
మీ

ఇవరుగా భూమి ఇస్తాదివుంటి. రి ఖి ప్రస్తుతి తర్క దళ్ళు
విక్రయము నిమిత్తమై ధీనక్కి జంబీను బిట్టే కొట్టిరు
క్కోటి నీ- నర్వ కుక్కిర, జమీనుంగు మన భవ దక్కిన్నాన్ద
రిందు కాంగుతాగ జమీలు బిడలు ఆగు భవిక్కి వీరిం,
మత్తు కాంగుతక్కిలు దాంబలిమాం డి రు భవిక్కి యూ,
కోటి కాంగు రాంగు మరుంగు భవిక్కి వీందు, తీరక్కిరతో
కి రు దాన్నాగి- మేల్ కి కాంగ కొట్టిరు వంతే జమీను మ
క్కి వియూంగి రువుదు నిజ-క్రయ దారరే గతకాల
గళ్ళు లత్తు రు, రుణకాళలు మాడిద్దరు ఈ కాలక్కి

ఇదు న్నా యరూంరూంలు కీల -

ఈ విధిగే భరువట్టే గుతరియాగి.

సాళ్ళనాలీ వంశిక్కి
గుండుబాంబు వంశిక్కి
ఉయ్యాలి వంశిక్కి
మేట్టు బశెట్టు కట్టేలివంశిక్కి
(Sd) S. Yallappa Selly
వీరపట్టణ భజల శెట్టి వంశిక్కి
పి కె భగవంతయ్య వంశిక్కి
Sd) P.K. Padmanabharao
పి శ్రీనివాస శెట్టి వంశిక్కి
రంగనాథరు (వంశిక్కి)
కోళ్ళలీ కాంగ కట్టేలి (వంశిక్కి)

Before me
(Sd) S T Ramaswamy
R 9
21-4-39.

'Copy'
16.
Amildar
4.5.39

1) [illegible] —

2) [illegible] 4-5-[illegible]7

3) [illegible] 4-5 39

4) [illegible] 4-5-39

5) [illegible] — 170

6) [illegible] — [illegible]-3-[illegible]

[illegible] — [illegible]-[illegible]-4
[illegible]-3-4

7) [illegible]

8) [illegible] —

4/5/39